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E-filed December 2, 2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE:

Yakubik, William Joseph, and

Yakubik, Darcie Ann

Debtor.

Case No. 09-24688-LBR

Chapter 11

Date: December 16, 2009

Time: 1:30 p.m.

**OPPOSITION TO MOTION OF US BANK NATIONAL ASSOCIATION
FOR RELIEF FROM THE AUTOMATIC STAY**

William Joseph and Darcie Yakubik, the above-captioned debtors (the "Debtors"), by and through their counsel, the law firm of Timothy S. Cory & Associates, hereby file this Opposition (this "Opposition") to the Motion of U.S. Bank National Association for Relief From the Automatic Stay (the "Motion"). In support of this Opposition, the Debtors state as follows:

I. BACKGROUND

1. On August 12, 2009 (the "Petition Date"), the Debtor filed with this Court a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

2. On November 17, 2009, U.S. Bank National Association (“US Bank”) filed its Motion for relief from the automatic stay on the property commonly known as 1448 Macdonald Ranch Drive (the “Property”).

II. LEGAL ARGUMENT

3. The Property in question constitutes the Debtors’ principal residence. As such, the Property will be essential to the effective reorganization of the Debtors.

4. It is the Debtors’ intention to provide for the payment of arrearages secured by the Real Property as part of their plan of reorganization.

5. Pursuant to Section 362(d)(2)(B) of the Bankruptcy Code, the stay may be lifted if the property in question is not necessary for effective reorganization. Here, the Real Property is necessary for effective reorganization.

6. The Debtor proposes that adequate protection payments be made to US Bank in the amount of \$6,687 per month pending confirmation of a plan of reorganization.

III. CONCLUSION

WHEREFORE, the Debtor respectfully requests that this Court enter an Order denying US Bank’s Motion for relief from the automatic stay and enter an order providing for adequate protections payments.

DATED this 2nd day of December, 2009.

TIMOTHY S. CORY & ASSOCIATES

/s/ Adam P. Bowler
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